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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,228	12/21/2001	Stephan Walter Gehring	81524/7754	3490

22242 7590 04/09/2007  
FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

EXAMINER
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PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

mk

<b>Office Action Summary</b>	<b>Application No.</b> 10/032,228	<b>Applicant(s)</b> GEHRING ET AL.	
	<b>Examiner</b> Pramila Parthasarathy	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-93 is/are pending in the application.  
4a) Of the above claim(s) 13,22,35,60,69 and 79 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 and 50-55 is/are allowed.
- 6) ☒ Claim(s) 1-3,8-12,14-23,25-34,36-49,56-68,70-78 and 80-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. This action is in response to remarks/arguments filed on December 27, 2006.

Presently, Claims 1 – 12, 14 – 23, 25 – 34, 36 – 59, 61 – 68, 70 – 78 and 80 – 93 are pending.

***Allowable Subject Matter***

2. Claims 4 – 7 and 50 – 55 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Even though prior art teaches "An apparatus comprising an encryption unit configured to encrypt a message containing the first encryption key, the message encrypted with the second encryption key; and a radio configured to transmit the message over a wireless network and configured to receive a subsequent message over the wireless network, the subsequent message encrypted with the first encryption key", the prior art does not explicitly teach that "a selector configured to select between the encryption key storage units as input to the encryption unit and decryption unit".

***Response to Arguments***

3. Applicant's arguments filed on December 27, 2006, have been fully considered but they are not persuasive for the following reasons: the applicant argues that the prior art Abdo et al. (2002/0080967) does not disclose or suggest "the transmission/reception

of a message containing a first encryption key over a wireless network, the message encrypted with a second encryption key". These arguments are not persuasive.

Abdo et al. teaches "A method and apparatus for securely connecting one or more wireless peripheral devices such as keyboards, mice, game pads, remote controllers, joysticks and one or more host system such as personal computers or workstations, the secure connection reducing the vulnerability of wireless communications between a wireless peripheral device and a host system to accidental or malicious interface or eavesdropping".

Examiner directs to Abdo Summary and paragraphs [0064, 0080-0081], wherein Abdo discloses that the user enters the encrypted key (provided by the host) and the receiving device decrypts the encrypted message to obtain encryption key whereby the subsequent messages are encrypted with the second encryption key. Furthermore, Abdo discloses that the communications between a wireless device and a host system is bi-directional wherein all the messages transmitted/received are encrypted using a symmetric key.

Examiner further points out that "the transmission/reception of a message containing a first encryption key over a wireless network, the message encrypted with a second encryption key" is not the heart of the invention. If the applicant has the special transmission/reception in the invention then the examiner suggests amending the claims to explicitly recite such a transmission/reception technique.

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A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so perform (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987)). The prior art is replete with references disclosing "the transmission/reception of a message containing a first encryption key over a wireless network, the message encrypted with a second encryption key". (See PTO 892).

4. Examiner also points out the instant invention is well depicted in Fig.4 A-C, page 7 line 17 – page 11 line 9 of the instant specification and claimed in the independent claims 4 and 50. Allowable subject matter has been indicated in section 2 of this office action. Examiner maintains the rejection of Claims 1-3, 8-12, 14-23, 25-34, 36-49, 56 – 68, 70-78 and 80-93.

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3, 8-12, 14-23, 25-34, 36-49, 56 – 68, 70-78 and 80-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Abdo et al. (U.S. Publication Number: 2002/0141591).

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Regarding Claim 1, Abdo teaches and describes

a first encryption key storage unit configured to store a first encryption key

(Summary and paragraphs [0026-0029]);

a second encryption key storage unit configured to contain a second encryption

key (Summary and paragraphs [0026-0029]);

an encryption unit configured to encrypt a message containing a first encryption

key, the message encrypted with the second encryption key (Summary and paragraphs [0026-0029]);

a radio configured to transmit the message over a wireless network and

configured to receive a subsequent message over the wireless network, the subsequent message encrypted with the first encryption key (Summary and paragraphs [0026-0029]).

Regarding Claims 12, 23 and 34, Abdo teaches and describes

receiving, at a module, a second encryption key (Summary and paragraphs

[0026-0029]);

transmitting, from the module, a message containing a first encryption key over a

wireless network the message encrypted with the second encryption key (Summary and paragraphs [0026-0029]); and

receiving, at a module, a subsequent message encrypted with the first encryption key (Summary and paragraphs [0026-0029]).

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Regarding Claim 47, Abdo teaches and describes

a first encryption key storage unit configured to contain a first encryption key (Summary and paragraphs [0026-0029]);

a radio configured to receive a message over a wireless network from a host and to transmit a subsequent message over the wireless network, the received message encoded with the first encryption key and containing a second encryption key, the subsequent message encrypted with the second encryption key (Summary and paragraphs [0064, 0080-0081]);

a decryption unit configured to decrypt the received message with the first encryption key (Summary and paragraphs [0026-0029]);

at least one temporary key storage unit configured to store the second encryption key (Summary and paragraphs [0026-0029]).

Regarding Claims 58, 67 and 76, Abdo teaches and describes

receiving a message over a wireless network from a host, the message encoded with a first encryption key and containing a second encryption key (Summary and paragraphs [0026-0029]);

decrypting the received message using the first encryption key, extracting the second encryption key (Summary and paragraphs [0026-0029]);

encrypting messages with the second encryption key; and sending the encrypted messages to the host (Summary and paragraphs [0026-0029]).

Claims 2 and 44 rejected as applied about in rejecting Claims 1 and 43.

Furthermore, Abdo teaches and describes a decryption unit configured to decrypt the subsequent message received from the radio (paragraphs [0026-0029]).

Claim 48 is rejected as applied about in rejecting Claim 47. Furthermore, Abdo teaches and describes encryption unit configured to encrypt the subsequent message with the second encryption key (paragraphs [0026-0029]).

Claims 59, 68 and 78 are rejected as applied about in rejecting Claims 58, 67 and 77. Furthermore, Abdo teaches and describes storing the second encryption key in an encryption key storage unit (paragraphs [0064, 0080-0081]).

Claim 3 is rejected as applied about in rejecting Claim 2. Furthermore, Abdo teaches and describes a protocol management unit configured to convey the subsequent message to a host device (paragraphs [0026-0029]).

Claim 14, 25 and 36 are rejected as applied about in rejecting Claims 13, 24 and 35. Furthermore, Abdo teaches and describes decrypting the subsequent message with the first encryption key (paragraphs [0026-0029]).



Claims 86 and 49 are rejected as applied about in rejecting Claims 1 and 48.

Furthermore, Abdo teaches and describes the radio is further configured to receive data messages over the wireless network from the host, the data message encoded with the second encryption key (paragraphs [0064, 0080-0081]).

Claim 45 is rejected as applied about in rejecting Claim 44. Furthermore, Abdo teaches and describes encrypt messages sent to the host with the second encryption key (paragraphs [0064, 0080-0081]).

Claims 15, 26, 37, 62, 71 and 81 are rejected as applied about in rejecting Claims 14, 25, 36, 61 and 70. Furthermore, Abdo teaches and describes wherein the second encryption key is symmetric (paragraphs [0064, 0080-0081]).

Claims 16, 27, 38, 61, 70 and 80 are rejected as applied about in rejecting Claims 15, 26, 37, 59, 68 and 78. Furthermore, Abdo teaches and describes wherein the first encryption key is symmetric (paragraphs [0026-0029]).

Claims 8, 17, 28, 39, 43, 56, 63, 72 and 82 are rejected as applied about in rejecting Claims 1, 12, 23, 34, 42, 47, 58, 67 and 76. Furthermore, Abdo teaches and describes wherein the second encryption key is a peripheral device encryption key (paragraphs [0026-0029]).

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Claims 9, 18, 29, 40, 87, 88 and 89 are rejected as applied about in rejecting Claims 8, 12, 17, 23, 28, 34, and 39. Furthermore, Abdo teaches and describes wherein the first encryption key is a host device encryption key (paragraphs [0026-0029]).

Claims 10, 19, 30 and 41 are rejected as applied about in rejecting Claims 9, 18, 29 and 40. Furthermore, Abdo teaches and describes wherein the peripheral device encryption key is received by a host device via input by a user (paragraphs [0026-0029]).

Claims 20, 31, 42 and 77 are rejected as applied about in rejecting Claims 18, 29, 41 and 76. Furthermore, Abdo teaches and describes wherein the host device encryption key is stored within an encryption key storage unit (paragraphs [0026-0029]).

Claims 21, 32, 65, 74 and 84 are rejected as applied about in rejecting Claims 20, 29, 64, 73 and 83. Furthermore, Abdo teaches and describes wherein the encryption key storage unit that stores the host device encryption key is a read only memory (paragraphs [0026-0029]).

Claims 11, 22, 33, 46, 66, 75 and 85 are rejected as applied about in rejecting Claims 10, 21, 32, 45, 65, 73 and 84. Furthermore, Abdo teaches and describes wherein the protocol management unit is configured to convey the subsequent message to the host device via the Universal Serial Bus protocol (paragraphs [0028]).

Claims 57, 64, 73, 83, 90, 91, 92 and 93 are rejected as applied about in rejecting Claims 56, 58, 63, 67, 72, 76 and 82. Furthermore, Abdo teaches and describes wherein the second encryption key is a host device encryption key (paragraphs [0026-0029]).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or

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relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

March 30, 2007.

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3,31,07